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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,324	08/29/2003	Gary W. Eisenhower	H0005124	1634
7590	08/25/2004		EXAMINER	
Kris T. Fredrick Honeywell International, Inc. 101 Columbia Rd. P.O. Box 2245 Morristown, NJ 07962			LEE, KYUNG S	
			ART UNIT	PAPER NUMBER
			2832	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,324

Applicant(s)

EISENHOWER, GARY W.

Examiner

Kyung S. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 0803.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 5-8, 17-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown (4,110,585) in view of Roeser (3,828,148).

Brown teaches a toggle switch comprising:

a toggle mechanism (fig. 1);

an actuator 8 within a tubular housing 4; and

a lead wire terminal assembly comprising a plurality of pin contacts 12, 14 and 16, which exit through a cover.

Brown teaches the claimed invention except for a plurality of switches located within the housing. Roeser teaches a toggle switch having a plurality of switch within the housing (contacts 19 and 19 in fig. 1).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the switch device of Brown with plurality switches as taught by Roeser, since plurality switches of Roeser would provide the switch device of Brown multiple switching capability.

Regarding claim 2 Brown teaches a metal housing 4 (col. 2, line 34).

Regarding claim 5, cover 10 of Brown is metal (col. 2, lines 55; welded to housing).

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Regarding claims 7-8, multiplicity of essential working parts of a device involves only routine skill in the art. *St. Regis Paper co. v. Bemis co.*, 193 USPQ 8.

Regarding claim 20, intended use of the switch device does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham 2 USPQ 2d 1647*.

3. Claims 3-4, 9-16 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Roeser as applied to claim 1 above, and further in view of Senor (4,376,926).

Brown and Roeser teach the claimed invention except for a glass-to metal seal sealing the header into the housing. Senor teaches a switch device having tubular metal-housing 12 (fig. 2) with header 16 sealed by glass to metal (16.1 and 16.3) to provide hermetically sealed housing.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide switch device of Brown and Roeser with glass to metal seal of Senor, since the seal of Senor would provide the device of Brown and Roeser with hermetical sealed housing.

Regarding claims 9-16, steps claimed are deemed obvious in view of the functions of the structure in the combination discussed above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please refer to the attached PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung S. Lee whose telephone number is (571) 272-1994. The examiner can normally be reached on M-F 5:30AM to 2:00PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Elvin G. Enad can be reached on (571) 272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kyung S. Lee
Examiner
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